

## REMARKS

Upon entry of this amendment, claim 1 will be canceled; claims 2-11 will be amended, and claims 12-21 will be added. Claims 2-11 will remain pending. Claims 2-4 are independent claims.

The claims have been amended herein to cancel claim 1; to place claims 2-4 into independent form; to add dependent claims 12 and 13 similar to originally presented claim 5; to place the claims more in accordance with standard U.S. practice; to place claims 10 and 11 into independent form; to include converting the nitrile group to an amino group or amide group in claim 11, as disclosed in Applicants' originally filed specification, for example, in the paragraph beginning at the bottom of page 14; and to include dependent method claims 14-21 in accordance with Applicants' originally filed disclosure, including *inter alia* disclosure at page 16 last paragraph to the bottom of page 19. Accordingly, the amendment herein should be considered to be in accordance with the originally filed application, and not including new matter.

Reconsideration and allowance of the application are respectfully requested.

### **Consideration Of Information Disclosure Statements**

Applicants express appreciation for the inclusion with the Office Action of initialed copies of the Forms PTO-1449 submitted with Applicants' Information Disclosure Statements filed May April 12, 2004 and September 3, 2005, whereby the Examiner's consideration of these Information Disclosure Statements is of record.

In order that the record is complete, Applicants note that the Office Action only explicitly references the September 3, 2004 Information Disclosure Statement. However, it is clear that both Information Disclosure Statements have been considered in that, as

noted above, initialed copies of the forms from both Information Disclosure Statements are included with the Office Action.

### **Claim of Priority**

Applicants also express appreciation for confirming that this application is a CIP of PCT/JP02/05672, and for the acknowledgment of the claim of priority as well as receipt of the certified copy of priority Japanese Application No. 2001-173855,

### **Drawings**

The drawings submitted with the application have not been objected to in the Office Action. Therefore, in the absence of any indication to the contrary, it appears that all formal requirements with respect to the drawings are met, and no further action is required upon the part of Applicants with respect to formal drawings.

### **Restriction Requirement**

Applicants' election with traverse of Group I, claims 1-5, is acknowledged, and the restriction requirement has been maintained, but has not been made final.

In response, Applicants initially note that newly added claims 12 and 13 should be included in the elected group of claims, and be examined on the merits along with the elected claims. Moreover, amended claims 6-9 should be examined with the elected group in that they are directed to compositions containing compounds or salts thereof according to the elected group of claims.

Still further, newly added method claims 14-21 should be joined with allowed claims from the elected group in accordance with Patent and Trademark Office procedure. It is also requested that the Examiner consider rejoining method claims 10 and 11 upon allowance of the claims under prosecution.

Accordingly, reconsideration of the restriction requirement and rejoinder of non-elected claims are respectfully requested.

### **Response To Rejection Under 35 U.S.C. 112, Second Paragraph**

In response to the rejection of claims 1-5 under 35 U.S.C. 112, second paragraph as being indefinite, Applicants respectfully submit the following.

In this ground of rejection, the terminology “residue” is asserted to render the claims indefinite. The rejection contends that the terminology is not defined in the claims so as to ascertain the metes and bounds of the claimed subject matter. The rejection contends that the omission of failing to describe the claimed invention renders the claims incomplete, and suggests deleting the phrase or to amend the claims by replacing “residue” with “group”.

In response, Applicants submit that one having ordinary skill in the art would understand the scope and content of the claims, especially when an amino acid residue is understood to be what is left of an amino acid once a molecule of water has been lost to form a polymer of amino acid, peptide, such as an  $H^+$  from the nitrogenous side and an  $OH^-$  from the carboxylic side. See, for example, the following page 1 printed from pages 1-8 of [http://en.wikipedia.org/wiki/Amino\\_acid](http://en.wikipedia.org/wiki/Amino_acid) on January 1, 2007, and page 1 printed from pages 1 of 6 of [http://open-encyclopedia.com/Amino\\_acid](http://open-encyclopedia.com/Amino_acid) on January 1, 2007.

Accordingly, it is seen that the metes and bounds of the claimed subject matter is readily understandable to one having ordinary skill in the art, and this ground of rejection should be withdrawn.

### **Response To Anticipation Rejections**

(a) Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wrodnigg et al. (1997).

(b) Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Barta et al. 1995) - See also the cited U.S. patents to Barta et al.

In response to these grounds of rejection, Applicants note that claim 1 has been canceled, and claim 2 has been placed into independent form, with claims 3-9 and 12-21 depending directly or indirectly upon claim 2.

Applicants note that the rejections do not address the configurations of the compounds recited in Applicants' claims 2, 3 and 4. In this regard, it does not appear that any of the documents utilized in the anticipation rejections discloses the recited configurations. Accordingly, the rejections are without appropriate basis in that each and every feature recited in Applicants' claims is not disclosed in either of Wrodnigg et al. or Barta et al., and these grounds of rejection should be withdrawn.

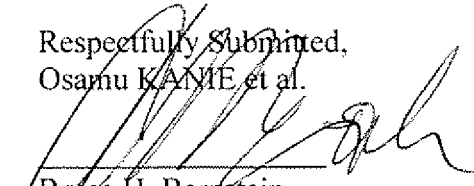
### **CONCLUSION**

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow all the pending claims.

Allowance of the application is requested, with an early mailing of the Notices of Allowance and Allowability.

If the Examiner has any questions or wishes to further discuss this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Osamu KANE et al.

  
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Bruce H. Bernstein  
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

Arnold Turk  
Reg. No. 33094